



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029



SDMS DocID

2172636

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Conagra Foods, Inc.  
Gary Rodkin, CEO  
One ConAgra Drive  
Omaha, NE 68102-5001

FEB 14 2013

**Re: Required Submission of Information  
Lower Darby Creek Area Superfund Site,  
Operable Unit 1 - Clearview Landfill  
Darby Township, Delaware County and Philadelphia, Pennsylvania**

Dear Mr. Rodkin:

The U.S. Environmental Protection Agency ("EPA") is seeking information related to the release, or threat of release, of hazardous substances, pollutants or contaminants into the environment from Operable Unit 1 of the Lower Darby Creek Site ("Site"). EPA is investigating the source of contamination in the vicinity of the Clearview Landfill, also known as Heller's Dump (collectively, "Clearview"), located at or near 83<sup>rd</sup> Street and Buist Avenue in Philadelphia, PA and bordering Darby Creek in Darby Township. The Site also includes the Folcroft Landfill and Annex located approximately two miles away in Folcroft Borough, Delaware County. This information request is limited to Clearview. EPA believes Conagra Foods, Inc. is the successor to GoodMark Foods, Inc. which manufactured "Slim Jim" products in the Philadelphia area. A former employee of "Maritime" interviewed in connection with the Site recalled transporting waste from the Philadelphia area "Slim Jim" factory and disposing of such waste at Clearview (see Enclosure F). The specific information required is attached to this letter as Enclosure E.

Pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e), EPA has the authority to require Conagra Foods, Inc. ("Conagra" or "you") to furnish all information and documents in its possession, custody, or control, or in the possession, custody, or control of any of its employees or agents, which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), pollutants and/or contaminants as defined by Section 101(33) of CERCLA, 42 U.S.C. § 9601(33), which were transported to, stored, treated, or disposed of at the above-referenced Site.

Please respond in writing to this required submission of information within **thirty (30) calendar days** of your receipt of this letter.

If, for any reason, Conagra does not provide all information responsive to this letter, then in its answer to EPA Conagra should: (1) describe specifically what was not provided, and (2) provide to EPA an appropriate reason why the information was not provided.

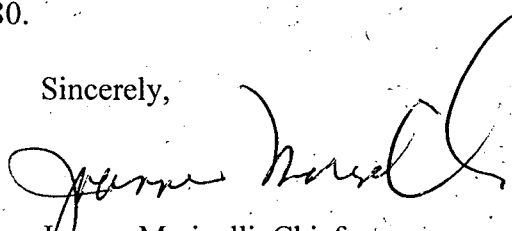
All documents and information should be sent to:

Ms. Maria Goodine (3HS62)  
U.S. Environmental Protection Agency  
Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, et seq.

If you have any questions concerning this matter, please contact Compliance Officer Maria Goodine at (215) 814-2488, or have your attorney contact Senior Assistant Regional Counsel Bonnie A. Pugh at (215) 814-2680.

Sincerely,



Joanne Marinelli, Chief  
Cost Recovery Branch

- Enclosures: A. Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees  
B. List of Contractors that May Review Your Response  
C. Definitions  
D. Instructions  
E. Information Requested  
F. Interview Summary

cc: Bonnie A. Pugh (3RC43)  
Maria Goodine (3HS62)  
Joshua Barber (3HS21)  
Noreen Wagner (PADEP)

## **Enclosure A**

### **Business Confidentiality Claims**

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. Part 2, Subpart B. Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you. You must clearly mark such claimed information by either stamping or using any other such form of notice that such information is a trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

### **Disclosure of Your Response to EPA Contractors and Grantees**

EPA may contract with one or more independent contracting firms (See, Enclosure B) to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreement(s) under the Senior Environmental Employee Program ("SEE Enrollees"). The SEE Program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for EPA personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE Enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to Section 104(e)(7) of CERCLA, 42 U.S.C. § 9604(e)(7), and EPA's regulations at 40 C.F.R. § 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed.Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in Enclosure B, you must notify EPA in writing at the time you submit such documents.

## Enclosure B

[rev. 10/2012]

### List of Contractors That May Review Your Response

**Emergint Technologies, Inc.**

Contract # EP-W-11-025

Subcontractor: Booz-Allen & Hamilton

**Booz-Allen & Hamilton**

Contract # GS-35F-0306J (GSA Schedule)

**CDM-Federal Programs Corporation**

Contract # EP-S3-07-06

Subcontractors: L. Robert Kimball & Associates Inc.  
Avatar Environmental LLC  
Terradon Corporation

**Chenega Global Services, LLC**

Contract #EP-S3-09-02

**EA Engineering, Science and Technology, Inc.**

Contract #EP-S3-07-07

Subcontractor: URS

**Eisenstein Malanchuck, LLP**

Contract #EP-W-07-079

Subcontractors: R. M. Fields International, LLC  
James C. Hermann & Associated

**Hydrogeologic (HGL)**

Contract #EP-S3-07-05

Subcontractor: CH2MHill  
Sullivan International

**Weston Solutions**

Contract #EP-S3-1005

**Tech Law, Inc.**

Contract #EP-S3-1004

**Tetra Tech NUS, Inc.**

Contract #EP-S3-07-04

**Kemron Environmental Services, Inc.**

Contract #EP-S3-12-01,

Subcontractor: AECOM Technical Services, Inc.

**Guardian Environmental Services Company, Inc.**

Contract #EP-S3-12-02,

Subcontractors: Aerotek, Inc.,  
Tetra Tech, Inc.

**Environmental Restoration, LLC**

Contract # EP-S3-12-03

Subcontractors: Aerotek, Inc  
Haas Environmental, Inc,  
Hertz

**WRS Infrastructure & Environment, Inc.**

Contract # EP-S3-12-05

**Industrial Economics, Inc.**

Contract # EP-W-06-092

Cooperative Agreements

**National Association of Hispanic Elderly**

CA# Q83424401

CA # ARRA 2Q8343730-01

**National Older Workers Career Center**

CA# Q-835030

## Enclosure C

### Definitions

1. The term "arrangement" shall mean every separate contract or other agreement or understanding between two or more persons, whether written or oral.
2. The term "documents" shall mean writings, photographs, sound or magnetic records, drawings, or other similar things by which information has been preserved and also includes information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans. Examples of documents include, but are not limited to, electronic mail and other forms of computer communication, drafts, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, summaries, pamphlets, books, invoices, checks, bills of lading, weight receipts, toll receipts, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, inter-office and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications such as e-mail), bulletins, printed matter, computer printouts, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical, magnetic or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings and computer memories), minutes of meetings, memoranda, notes, calendar or daily entries, agendas, notices, announcements, maps, manuals, brochures, reports of scientific study or investigation, schedules, price lists, data, sample analyses, and laboratory reports.
3. The term "hazardous substance" means (a) any substance designated pursuant to section 1321(b)(2)(A) of Title 33 of the U.S. Code, (b) any element, compound, mixture, solution, or substance designated pursuant to Section 9602 of CERCLA, (c) any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of the Solid Waste Disposal Act (42 U.S.C. § 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act, 42 U.S.C. § 6901 et seq., has been suspended by Act of Congress), (d) any toxic pollutant listed under Section 1317(a) of Title 33, (e) any hazardous air pollutant listed under section 112 of the Clean Air Act, 42 U.S.C. § 7412, and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to Section 2606 of Title 15 of the U.S. Code. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

4. The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring, except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under CERCLA, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).
5. The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, 42 U.S.C. § 2011 et seq., if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under Section 170 of such Act, 42 U.S.C. § 2210, or, for the purposes of Section 9604 of CERCLA or any other response action, any release of source, byproduct, or special nuclear material from any processing site designated under 42 U.S.C. §§ 7912(a)(1) and 7942(a) and (d) the normal application of fertilizer.
6. The term "waste" or "wastes" shall mean and include any discarded materials including, but not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, pollutants or contaminants, and discarded or spilled chemicals, whether solid, liquid, or sludge.
7. The term "you" when referring to an incorporated entity shall mean and include the incorporated entity and its agents and representatives, including, but not limited to, persons directly authorized to transact business on the entity's behalf such as officers, directors, or partners with which the entity is affiliated, employees, accountants, engineers, or other persons who conduct business on the entity's behalf, as well as affiliated entities, including, but not limited to, partnerships, limited liability companies, divisions, subsidiaries, and holding companies.

## Enclosure D

### Instructions

1. You are entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure A, *Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees*. You must clearly mark such information by either stamping or using any other form of notice that such information is a trade secret, proprietary, or company confidential. To ensure to the greatest extent that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.
2. Please provide a separate, detailed narrative response to each question, and to each subpart of each question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject you to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate the number of the specific question or subpart of the question to which the document(s) responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure C, *Definitions*, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure C. Those terms shall have the meaning set forth in Enclosure C any time such terms are used in this Information Request and/or its Enclosures.

## **Enclosure E**

### **Information Required**

**In the following questions, the terms "Conagra," "you" and "your" refer to Conagra Foods, Inc. The terms "GMF" and "Slim Jim" refers to Good Mark Food, Inc. and the Slim Jim brand of products. The term "Philadelphia area" refers to southeastern Pennsylvania and southern New Jersey.**

1. Describe Conagra's corporate history in detail. Your answer should include specific information on any mergers and acquisitions, name changes, asset purchases/sales etc. involving Conagra and GMF and include complete copies of all relevant documents.
2. Does Conagra currently conduct any business in the Philadelphia area?
3. Describe the operations GMF or any party which manufactured Slim Jims in the Philadelphia area between 1958 and 1976.
4. Identify all persons currently or formerly employed by Conagra who have or may have personal knowledge of the operations and waste disposal practices of GMF or any other entity that manufactured Slim Jims in the Philadelphia area between 1958 and 1976. For each such person, state that person's job title, dates of employment, current address, and telephone number. If the current telephone number or address is not available, provide the last known telephone number or last known address of such person.
5. Identify every hazardous substance used, generated, purchased, stored, or otherwise handled at any Slim Jim facility in the Philadelphia area between 1958 and 1976. With respect to each such hazardous substance, further identify:
  - a. The process(es) in which each hazardous substance was used, generated, purchased, stored, or otherwise handled at any Slim Jim facility in the Philadelphia area;
  - b. The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such hazardous substance;
  - c. The annual quantity of each such hazardous substance used, generated, purchased, stored, or otherwise handled at any Slim Jim facility in the Philadelphia area;
  - d. The beginning and ending dates of the period(s) during which such hazardous substance was used, generated, purchased, stored, or otherwise handled at any Slim Jim facility in the Philadelphia area;
  - e. The types and sizes of containers in which these substances were transported and stored; and
  - f. The persons or companies that supplied each such hazardous substance to any Slim Jim facility in the Philadelphia area.

6. Identify all by-products and wastes generated, stored, transported, treated, disposed of, released, or otherwise handled at any Slim Jim facility in the Philadelphia area between 1958 and 1976. With respect to each such by-product and waste identified, further identify:
  - a. The process(es) in which each such by-product and waste was generated, stored, transported, treated, disposed of, released, or otherwise handled at any Slim Jim facility in the Philadelphia area;
  - b. The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such by-product or waste;
  - c. The annual quantity of each such by-product and waste generated, stored, transported, treated, disposed of, released, or otherwise handled at any Slim Jim facility in the Philadelphia area;
  - d. The types, sizes and numbers of containers used to treat, store, or dispose each such by-product or waste;
  - e. The name of the individual(s) and/or company(ies) that disposed of or treated each such by-product or waste; and
  - f. The location and method of treatment and/or disposal of each such by-product or waste.
7. Did GMF or any other company that manufactured Slim Jims in the Philadelphia area ever contract with, or make arrangement with any of the following companies: Clearview Land Development Company, the Clearview Landfill, Heller's Dump, Richard or Edward Heller, Eastern Industrial Corporation, Tri-County Hauling, Patrick Bizzari Hauling, "Charles Crumbley," Ace Service Corp./Ace Dump Truck, Edward Lawrenson, Inc., "Quickway," "Nu Way," "Bennie's Hauling," William Adams and Sons, "Al Gonnelli," Schiavo Brothers, Inc., "Maritime," Dorner Trash, Harway, Inc./Warren Harmon, Inc., Northeast Disposal, Donald Vile, Inc., Disposal Corporation of America, "White Glove Trash," or any other company or municipality to remove or transport material from any Slim Jim facilities in the Philadelphia area for disposal between 1958 and 1976? If so, for each transaction identified above, please identify:
  - a. The person with whom GMF or any other company that manufactured Slim Jim's in the Philadelphia area made such a contract or arrangement;
  - b. The date(s) on which or time period during which such material was removed or transported for disposal;
  - c. The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);
  - d. The annual quantity (number of loads, gallons, drums) of such material;

- e. The manner in which such material was containerized for shipment or disposal;
  - f. The location to which such material was transported for disposal;
  - g. The person(s) who selected the location to which such material was transported for disposal;
  - h. The individuals employed with any transporter identified (including truck drivers, dispatchers, managers, etc.) with whom GMF or any other company that manufactured Slim Jim's in the Philadelphia area dealt concerning removal or transportation of such material; and
  - i. Any billing information and documents (invoices, trip tickets, manifests, etc.) in Conagra's possession regarding arrangements made to remove or transport such material.
8. Identify individuals employed by GMF or any other company that manufactured Slim Jims in the Philadelphia area or currently employed by Conagra who were responsible for arranging for the removal and disposal of wastes, and individuals who were responsible for payments, payment approvals, and record keeping concerning such waste removal transactions at Slim Jim facilities in the Philadelphia area between 1958 and 1976. Provide current or last known addresses and telephone numbers where they may be reached. If these individuals are the same person identified by your answer to Question 4, so indicate.
9. For every instance in which GMF or any other company that manufactured Slim Jims in the Philadelphia area disposed of or treated material at Clearview or other areas of the Site, or arranged for the disposal or treatment of material at the Site, identify;
- a. The date(s) on which such material was disposed of or treated at the Site;
  - b. The nature of such material, including the chemical content, characteristics, and physical state (i.e. liquid, solid or gas);
  - c. The annual quantity (number of loads, gallons, drums) of such material;
  - d. The specific location on the Site where such material was disposed of or treated; and
  - e. Any billing information and documents (invoices, trip tickets, manifests, etc.) in Conagra's possession regarding arrangements made to dispose of or treat such material at the Site.
10. Did GMF or any other company that manufactured Slim Jims in the Philadelphia area ever spill or cause a release of any chemical, hazardous substances, and/or hazardous waste, and/or non-hazardous solid waste at Clearview? If so, identify the following:
- a. The date(s) the spill(s)/release occurred;

- b. The composition (i.e., chemical analysis) of the materials which were spilled/released;
  - c. The response made by GMF or any other company that manufactured Slim Jims in the Philadelphia area or on its behalf with respect to the spill(s)/release(s); and
  - d. The packaging, transportation, final disposition of the materials which were spilled/released.
11. Did GMF or any other company that manufactured Slim Jims in the Philadelphia area ever conduct any environmental assessments or investigations relating to contamination at Clearview? If so, please provide all documents pertaining to such assessments or investigations.
12. If you have any information about other parties who may have information which may assist the EPA in its investigation of Clearview, or who may be responsible for the generation of, transportation of, or release of contamination at Clearview, please provide such information. The information you provide in response to this request should include the party's name, address, telephone number, type of business, and the reasons why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.
13. Identify the person(s) answering these questions on your behalf, including full name, mailing address, business telephone number, and relationship to the company.
14. Provide the name, title, current address, and telephone number of the individual representing Conagra to whom future correspondence or telephone calls should be directed.
15. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:
- a. Your document retention policy;
  - b. A description of how the records were/are destroyed (burned, archived, trashed, etc.) and the approximate date of destruction;
  - c. A description of the type of information that would have been contained in the documents; and
  - d. The name, job title, and most current address known to you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; and the person(s) who would have been responsible for the destruction of these documents.

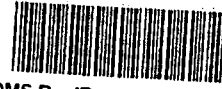
**Enclosure F**

**Interview Summary**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

REF ORIGINAL



SDMS DocID 2056866

## LOWER DARBY CREEK AREA SUPERFUND SITE

### CONFIDENTIAL SOURCE

35



**INTERVIEW SUMMARY**  
**Work Assignment ES002**  
***Lower Darby Creek Area Site***

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[REDACTED]

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Prepared for:

**U.S. Environmental Protection Agency**  
**Region III**  
Enforcement Support Services  
Hazardous Site Cleanup Division  
1650 Arch Street  
Philadelphia, PA 19103

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Prepared by:

**DASTON Corporation**  
210 West Washington Square  
Suite 100  
Philadelphia, PA 19106

Work Assignment Number:	ES002
Date Submitted:	March 31, 2003
Contract Number:	68-S3-01-01
EPA Work Assignment Manager:	Patrick Egan
Telephone Number:	(215) 814-3167
DASTON Work Assignment Manager:	Eric D. Bailey
Telephone Number:	(215) 923-4404
Interviewer:	Michael McCloskey, Tri-State Enterprise

Interview Summary

March 29, 2003

Page 2

Name:

[REDACTED] (WITNESS)

P [REDACTED]

Affiliation:

Former Employee/Maritime, Inc.

Telephone:

Type of Interview: In-Person

Date of Interview: March 29, 2003

On March 29, 2003, the WITNESS was interviewed at his residence by Michael McCloskey of Tri-State Enterprise. The WITNESS was interviewed as part of the potentially responsible party search currently being conducted under Work Assignment NO. ES-002 involving the Lower Darby Creek Area, Delaware County, PA (the "Site"). This interview focused on the Folcroft Landfill (Folcroft) and the Clearview Landfill (Clearview). The WITNESS was provided with a copy of the letter of introduction, advised of the nature of the questions to be asked and advised that the interview was voluntary. The WITNESS advised that he is not represented by an attorney in this matter and did not want an attorney. No other persons were present and this interview was not tape-recorded.

During the course of this interview, the WITNESS responded to questions based on guidelines provided by the United States Environmental Protection Agency for former employees.

The WITNESS was shown an aerial photograph of the Site and this aerial photograph was used throughout the interview.

The WITNESS was asked to explain his association with the Site.

The WITNESS stated that he worked for Maritime, Inc. (Maritime) from [REDACTED] to [REDACTED] as a truck driver. The WITNESS stated that Maritime also traded as Maritime Refuse and Maritime Ship Cleaning. The WITNESS did not know the legal name of the Company. The WITNESS stated that Maritime operated out of a location at the old Pier 19 on Delaware Avenue (now Columbus Blvd.). The WITNESS stated that the Dave and Busters restaurant is now at that location.

The WITNESS stated that Maritime was a waste transport company that dealt primarily with the shipping industry located along Delaware and Packer Avenue in Philadelphia. The WITNESS stated that Maritime provided customers with roll-off containers and that Maritime used these roll-off containers to transport waste to disposal locations.

When asked how many roll-off containers Maritime had and to describe these containers, the WITNESS provided the following:

ENFORCEMENT CONFIDENTIAL

The WITNESS stated that Maritime had more than 100 roll-off containers and that these containers ranged in sizes of 20-cubic yard, 30-cubic yard and 40-cubic yards.

When asked to describe the types of clients Maritime had, the WITNESS stated that Maritime provided container service for ships moored at piers in Philadelphia. The WITNESS stated that he did not know if the Maritime customer was the ship moored or the pier owner. The WITNESS provided the names of the piers where he picked up Maritime containers.

- Pier 19
- Pier 53
- Pier 55
- Pier 96
- Pier 98
- Packer Avenue Piers

The WITNESS stated that each of the above Piers had 40-cubic yard containers located on the Piers. The WITNESS stated that these containers were picked up at least once a week by Maritime trucks and the contents were disposed of at a Landfill.

The WITNESS stated that Maritime also provided 40-cubic yard containers at Piers located on Packer Avenue. The WITNESS could not recall specific numbers for these piers.

When asked if Maritime had any commercial customers other than at the Piers, the WITNESS stated yes and provided the following.

- Container Corporation of America (CCA): The WITNESS stated that CCA is located on River Road in Philadelphia. The WITNESS stated that Maritime provided CCA with five 30-40-cubic yard containers. The WITNESS stated that Maritime picked up 4 to 5 containers every day from this location. The WITNESS described the waste as paper wood and some drums that were mixed in with the trash.
- Bud Company located on Red Lion Road: The WITNESS stated that Maritime provided one 30-cubic yard container at this location. He indicated that this container was picked up about once a day. The WITNESS stated that he did not know what type of waste was in these containers.
- Slim Jim Factory: The WITNESS stated that Slim Jim had a processing factory in Folcroft PA and that Maritime provided this Company with one 40-cubic yard container. He indicated that this container was picked up about two times each week. The WITNESS described this waste as food scraps, paper and wood.
- Allegheny Airlines (Allegheny): The WITNESS stated that Allegheny was located at the Philadelphia Airport. The WITNESS stated that Maritime provided Allegheny with one 30-cubic yard container that was picked up one time each day. He could not recall the types of waste.

- Philadelphia Airport, Overseas Terminal: The WITNESS stated that Maritime provided the Philadelphia Airport Overseas Terminal with one 40-cubic yard container that was picked up at least one time each day. The WITNESS stated that he could not recall the types of waste in these containers.
- Midvale Steel Company (Correct spelling unknown): The WITNESS stated that this company was located on Midvale Avenue in Philadelphia. The WITNESS stated that Maritime provided this Company with two 30-cubic yard containers that were picked up two times each day. The WITNESS described some of this waste as scrap metal.
- Triangle Publications: The WITNESS stated that this company is the Philadelphia Inquirer and was located on 15<sup>th</sup> Street below Spring Garden Street in Philadelphia. The WITNESS stated that Maritime provided this company with one 40-cubic yard container and that the waste included paper, wood and liquid ink.
- 16<sup>th</sup> and Spring Garden: The WITNESS stated that a company located at 16<sup>th</sup> and Spring Garden Streets in Philadelphia was a customer of Maritime. The WITNESS stated that he could not recall the name of this company, however, he stated that this company made electrical contacts and that Maritime provided this company with one 40-cubic yard container. The WITNESS stated that this waste included wires and electrical connectors.
- Lee Tire Company: The WITNESS stated that Maritime provided Lee Tire company with one 40-cubic yard container that was picked up once a day. The WITNESS stated that this waste included rubber, paper and wood.
- 5151 Lancaster Avenue: The WITNESS stated that a company that made floor wax was located at this address and was a customer of Maritime. The WITNESS stated that he could not recall the name of the company. He stated that a soup company purchased the company a few years ago. The WITNESS stated that Maritime provided this company with a 40-cubic yard container that was picked up at least once a day. The WITNESS stated that the waste included plastic bottles, paper and wood.
- Holiday Inn at 4<sup>th</sup> and Arch: The WITNESS stated that Maritime provided the Holiday Inn with one 30-cubic yard container that was picked up once a day. He could not recall the types of waste in this container.

When asked to identify where the waste from the above companies was disposed of, the WITNESS stated that Maritime disposed of waste at the following locations.

- Folcroft Landfill
- Clearview Landfill
- Fontaine Landfill: The WITNESS stated that this Landfill is located in Camden, New Jersey.
- Belmawr New Jersey: The WITNESS stated that he could not recall the name of this Landfill.

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When asked if he disposed of waste from the above locations at the Folcroft Landfill and Clearview Landfill, the WITNESS stated yes. The WITNESS stated that he went to the Folcroft Landfill at night and he disposed of waste at the Clearview Landfill when the Folcroft Landfill was backed up. The WITNESS stated that he went to the Clearview Landfill less often than the Folcroft Landfill because he did not like Richie Heller. The WITNESS did not wish to discuss his dislike for Heller. The WITNESS stated that all of the other Maritime drivers also disposed of waste at the Folcroft and Clearview landfills but he did not know the frequency.

When asked the names of the owners of Maritime, the WITNESS provided the following.

- Joe, Richard and Edward Breen.

The WITNESS stated that Schaivo Brothers purchased Maritime sometime after he left Maritime in [REDACTED].

When asked the names of other truck drivers that drove for Maritime, the WITNESS provided the following.

- All of the Breen Brothers.
- Charles Bains
- Russell Tatum

The WITNESS stated that there were other drivers however he could not recall any additional names. The WITNESS added that Charles Bains had stated that he transported full 55-gallon steel drums to the Clearview Landfill.

When asked the names of other waste transport companies that he had observed disposing of waste at the Folcroft and Clearview Landfills, the WITNESS provided the following.

- William Schaeffer Refuse (Exact name unknown): The WITNESS stated that Schaeffer owned and operated numerous roll-off containers and disposed of waste at both the Folcroft and Clearview Landfills.
- Bernnies Hauling: The WITNESS stated that Bernnies disposed of waste at the Clearview Landfill. He did not know the nature of this waste.
- Eastern Industrial: The WITNESS stated that Eastern disposed of waste at both the Clearview and Folcroft Landfill.
- Schaivo Brothers: The WITNESS stated that Schaivo Brothers disposed of waste at the Folcroft Landfill. The WITNESS could not recall if Schaivo disposed of waste at the Clearview Landfill.

- Harvey and Harvey: The WITNESS stated that he recalls observing trucks from Harvey and Harvey disposing of waste at the Folcroft Landfill. He did not know if they disposed of waste at Clearview.

The WITNESS stated that there were many other waste transport companies that disposed of waste at the Folcroft and Clearview Landfills. He stated that he could not recall any specific names at the present time.

The WITNESS stated that he recalls an unusual incident that occurred in 1970. The WITNESS stated that a ship by the name of "New Castle Star" was moored at a Packer Avenue Pier for about six months. The WITNESS stated that a ship moored for that long of a period was very unusual. The WITNESS stated that Maritime provided this ship with one 30-cubic yard container and that this container was picked up about one time each week. The WITNESS stated that when he picked up the container he was told by one of the Breens to dispose of the waste at the incinerator at Delaware Avenue and Spring Garden Street. The WITNESS stated that this was also very unusual. The WITNESS stated that other drivers might have disposed of this waste at one of the Landfills.

"I declare under penalty of perjury that the foregoing is true and correct."

Executed on \_\_\_\_\_  
(Date)

Signed \_\_\_\_\_  
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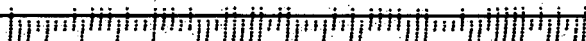
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